

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 30, 2003**

DIVISION ONE

B160672      People      (Certified for Publication)  
v.  
Roberto S. Guzman

The judgments are affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B159574      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Annette C.  
In re Robert K. Jr., a minor

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B160570      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Doretha B.  
In re Jasmine H., a minor

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

## DIVISION THREE

(Certified for Partial Publication)

B156613 Jonathan D. Arrieta Bustamonte, a minor, etc.  
v.  
Carlos Flores,  
The Director of the State Department of Health Services

The judgment is affirmed. The post judgment order denying Jonathan's motion to extinguish the lien is reversed with directions to grant the motion. Jonathan shall recover costs on appeal.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B156433 People (Not for Publication)  
v.  
Alexander

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B158333 People (Not for Publication)  
v.  
Edwards

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION THREE (Continued)

B151713      Roger K. Light, et al.                      (Not for Publication)  
                 v.  
                 City of Hawthorne, et al.

The trial court's judgment granting defendants' motion for summary judgment on plaintiffs' first, second, third, and fourth causes of action is affirmed. The trial court's order denying plaintiffs' motion for leave to amend is reversed. The trial court is ordered to grant plaintiffs' request for leave to amend to allege (1) a cause of action for use of excessive force, and (2) a Monell failure to train claim based upon the alleged use of excessive force. Each party to bear its own costs on appeal.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

B151956      Betty Jean Johnson                      (Not for Publication)  
                 v.  
                 Bobbie J. Hannah

The judgment is modified by reducing the reimbursement of Betty for her down payment to \$20,965. On remand, the trial court is directed to include the remaining \$9,535 in its division of marital community property and to recalculate the division of marital community property in light of this modification of the judgment, of the foreclosure of the couple's former house, and in light of any other relevant circumstances to fashion an apportionment of interest that is equitable under all the circumstances and by whatever method or formula will achieve substantial justices between the parties. The judgment is otherwise affirmed. Costs on appeal are awarded to respondent.

Kitching, J.

We concur:    Klein, P.J.  
                 Aldrich, J.

May 30, 2003 (Continued)

### DIVISION THREE (Continued)

B128811 People (Not for Publication)  
v.  
Garcia

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION FOUR

B164245      Eisendrath      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Rogers, r.p.i.)

Let a peremptory writ of mandate issue directing the trial court to: (1) vacate its January 8, 2003, order; (2) determine the extent to which the mediation participants (including Rosenfeld) will expressly waive their confidentiality rights, in accordance with this opinion; and (3) issue an order barring testimony from Rosenfeld, and discovery into, and admission of, all mediation matters not encompassed by the participants' waivers or otherwise permitted by section 1115 et seq. The temporary stay shall be effective until this decision is final as to this court. Petitioner is awarded his costs.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B161979 People (Not for Publication)  
v.  
Whitmore

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

May 30, 2003 (Continued)

## DIVISION FOUR (Continued)

B16437 People (Not for Publication)  
v.  
Beavers

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FIVE

[illegible]

The judgment is reversed in two respects. First, the 5-year firearm use enhancement is reversed as to count 4. Second, the one-year, four-month firearm use enhancement is reversed as to count 5. Resentencing is to occur as to both firearm use enhancements in counts 4 and 5 as discussed in the body of this opinion. The judgment is affirmed in all other respects. The abstract of is to be corrected in the following particulars: the 15-year Penal Code section 186.22, subdivision (b)(1) minimum parole eligibility term imposed as to count 1 must be set forth on the abstract of judgment; the abstract of judgment must not state that the count 4 has resulted in an indeterminate life term; the abstract of judgment must reflect that the false imprisonment by violence conviction arises under count 7 and the firearm brandishing conviction under counts 8 and 9; and all references to the restitution fines must be removed from the abstract of judgment. Upon resentencing on the aforementioned firearm use findings, a corrected abstract of judgment which reflects all special findings, even those which have been stayed, must be prepared and served upon the Department of Corrections.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

May 30, 2003 (Continued)

DIVISION EIGHT

Court convened at 9:03 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J. and Connie Hon, Deputy Clerk.

Each of the following:

B160888 People v. Valle & Ponce  
B158330 People v. Martinez  
B161139 People v. Evans  
B158696 People v. Huang  
B163196 People v. Freddy Albert N.  
B161065 People v. Burgueno  
B162685 People v. Munoz  
B159427 People v. Howell  
B162619 People v. Skversky  
B159116 People v. Richard R.  
B165559 La Sandra C. v. SCLA

Argument waived, cause submitted.

B160778     People  
              v.  
              Ornelas

Merits:

Argued by Edward J. Haggerty for appellant and by Richard T. Breen,  
Deputy Attorney General for respondent. Cause submitted.

B148209     Evans, et al.  
              v.  
              Henley, et al.

Merits:

Argued by Carl Henley, appellant in propria persona and by Ward D. Smith  
for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B159282      Enschede  
                 v.  
                 Marvisi, et al.  
                 Top Notch Tow, et al.

Merits:

Argued by Arturo Salinas for appellant and by Robin F. Genchel and John Peer for respondents. Submission deferred. Cause to be submitted within 10 days after the filing of additional items.

B158891      People  
                 v.  
                 Bell

Merits:

Argued by Marylou Hillberg for appellant and by Joseph P. Lee, Deputy Attorney General for respondent. Respondent is directed to file a letter brief within 5 days. Cause submitted.

B154945      Reno  
                 v.  
                 Holmes;  
                 Mandel;  
                 Baywatch Production Company, et al.

Merits:

Argued by Angelo Reno, appellant in propria persona, by Mara E.J. Burnett for respondent (Mandell), by Peter J. Anderson for respondents (Baywatch Production Company et al.) and by Allan B. Cooper for respondent (Holmes). Submission deferred; cause to be submitted within 10 days from this date.

Court adjourned at 11:09 a.m.

DIVISION EIGHT (Continued)

B161488      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Calvin R.

The juvenile court is directed to correct the March 17, 2003 minute order to reflect that Calvin is represented by Darold Shirwo. In all other respects the order is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B158058      People      (Not for Publication)  
v.  
Lopez, Jr., et al.

We remand the matter to the clerk of the superior court with directions to amend the abstracts of judgment to omit imposition of the parole revocation file (§ 1202.45) as to appellants Lopez and Rangel. In all other respects, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.